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Counsel for Defendant TRIET HUU NGUYEN

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 3-09-70653 EMC
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	EXCLUDING TIME UNDER FED. R. CRIM.
v.)	P. 5.1 and 18 U.S.C. § 3161
)	
TRIET HUU NGUYEN)	
)	
Defendant.)	
_____)	

Defendant's next appearance on the duty calendar for the defendant's preliminary hearing or arraignment is scheduled for August 11, 2009. The parties now request that the Court continue the date to August 13, 2009. The parties also request that pursuant to Federal Rule of Criminal Procedure ("FRCP") 5.1(d), the time limits set forth in FRCP 5.1(c) be extended through August 13, 2009. The parties agree that, taking into account the public interest in prompt disposition of criminal cases, good cause exists for this extension.

The defendant also agrees to exclude for this period of time any time limits applicable under 18 U.S.C. § 3161. The parties agree that the continuance represents the reasonable time necessary for effective preparation of counsel. 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

Undersigned defense counsel represents that she has spoken with her client and that he

consents to and joins in this request.

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: July 31, 2009

/s/
ACADIA SENESE
Special Assistant United States Attorney

DATED: July 31, 2009

/s/
SHAWN HALBERT
Assistant Federal Public Defender

For the reasons stated above, the Court finds that the continuance of time for the defendant's preliminary hearing or arraignment from August 11, 2009 to August 13, 2009 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161 (h)(8)(A); FED. R. CRIM. P. 5.1(d). The failure to grant the requested continuance would deny the defendant effective preparation of counsel, and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(iv).

SO ORDERED.

DATED: 7/31/09


EDWARD M. CHEN
United States Magistrate Judge